

BOARD OF DIRECTORS – ACTION SUMMARY
Thursday, August 27, 2009 – 6:00 p.m.

Administration Building – Board Chambers
2101 Hurley Way, Sacramento, CA 95825

CALL TO ORDER

The meeting was called to order by President Lawson. Board Members present: Clark, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Valley. Director Trujillo, absent. Staff: Fire Chief Mette, Board Clerk Tilson, General Counsel Chavez.

PLEDGE TO FLAG

METRO CABLE 14 ANNOUNCEMENT

The open session meeting is videotaped for cablecast on Metro Cable 14. Replay on Saturday, August 29 at 1:00 PM and Monday, August 31` at 6:00 PM on Channel 14; Webcast at www.sacmetro cable.tv. A VHS copy is also available for checkout from any library branch.

CIVILIAN AWARD—(Battalion Chief Kastros)

LETTER OF COMMENDATION – DANIEL J. CONNOLLY

- On June 22, 2009, Battalion 5 and other emergency response units responded to a reported structure fire in a mobile home that was possibly occupied. A fire attack and search was performed. Crews discovered a deceased female in her mobile home. Daniel Connolly arrived on scene and was extremely saddened by the event. It was learned that Mr. Connolly had provided unwavering care for the past 20 years to the mentally and physically ill woman who was deceased. There is no doubt that she may have perished long before the fatal fire without his unselfish intervention into her life. In addition, he served his Country in the U.S. Air Force for 26 years and recently returned in 2007 from his latest tour.

Daniel Connolly was presented a Certificate of Commendation by Battalion Chief Kastros in recognition of the incredible level of commitment he has shown to his fellow citizens throughout the years. His diligent efforts and selfless actions have made a profound impact in his community.

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**Personnel Layoffs**

- The following individuals addressed the Board regarding their personal hardships incurred by the layoffs on August 19, 2009:

Cristy Jorgensen
Curtis Banks

Andrew Reiwitch
Amy Nygren

Kevin Bowman, a contractor in Sacramento County, cited the cuts in personnel have resulted in a loss of money to contractors due to a delay in plan checks and building inspections.

- Board members stated the issue of layoffs was taken very seriously. The District struggled with this issue for two years. During that time every option was explored but the layoffs were a direct effect of the economy with an \$11.5 million budget deficit this year on property reassessments and another expected \$9.5 million takeaway by the State of California. This district has the ability to recover and there is an opportunity to return to service within five years.

Fire Chief Selection Process

- Jason Cornell distributed for review a Survey of Attributes of Fire Service Leadership compiled by the Sacramento Metropolitan Fire District Union membership. He stated the list was only a resource from the field personnel listing the attributes in the order of importance of what people see in a leader and experience is number one.
- Pat Monahan, Vice President of Local 522, expressed total confidence in the Board to make the best selection of a leader. A list of the four finalists was received and three candidates were very specific about the privacy and confidentiality of their name. The Union leadership has interviews scheduled tomorrow with two candidates and has been contacted several times by a third candidate. Encouraged the Board to look at all candidates equally and to make a selection that fits the criteria as seen by the Board.

CONSENT AGENDA:**1. Board Meeting Action Summary—August 13, 2009**

- **Board Action:**
Kelly/Granados—approve the Consent Agenda. ROLL CALL: Clark, Engellenner, Goold, Granados, Kelly, Lawson, Valley, AYE. Director Jones, abstained. Director Trujillo, absent. Motion passed.

ACTION ITEM(S):**1. Resolution—Special District Risk Management Authority (SDRMA)
Board of Directors Election Ballot—(Chavez)**

- SDRMA is holding its 2009 Board of Directors Election. There are four open seats on the SDRMA Board of Directors with eight candidates vying for the positions. Staff recommended the Board vote for a slate of four candidates. The four-year term for newly elected Directors will begin on January 1, 2010, and terminate on December 31, 2013.
- A signed ballot resolution must be delivered and received by mail or hand delivery at SDRMA's office on or before 5:00 P.M. on Thursday, September 10, 2009.
- Discussion by Directors Goold, Jones, and Kelly included insufficient time to vet the candidates' qualifications to enable adoption of the Resolution.
- **Board Action:**
General consensus to send a constructive letter requesting that special districts be given a longer timeline in the future to evaluate the candidates.

2. Proposed Policy on Nepotism—(General Counsel Chavez)

- Presented an updated draft policy illustrating modifications made by the Policy Committee and the final policy reflecting the changes.
- Briefly addressed the major points:
 - Family members defined.
 - Recusal provision of a District employee from the hiring process if a family member applies for a position within the District.
 - Disallows two family members from being employed in the same chain of command. Contains an exception allowing the Fire Chief the discretionary ability to waive this general rule after taking into consideration the pertinent regulations of the Memorandums of Understanding.

[Director Engellenner departed]

- Director Goold raised several questions on the final policy draft.
 - The District employee hiring process is a function of Human Resources and there is no need for Board involvement
 - Page 3, Section 4 – questioned the inclusion of General Counsel.
 - Page 3, Section 8 – strike the words “and managers.”
 - Page 4, Section 9 – everyone is an employee including the Fire Chief and there should be no exceptions in the policy.
- Director Valley explained the intent of the policy stating that some issues elevate to the Board level for transparency purposes.
- General Counsel Chavez stated that the policy provides for checks and balances as it relates to any family member of the Fire Chief. Also provides for attorney-client confidentiality with the inclusion of General Counsel in these matters.
- Director Goold and Director Jones requested additional time to review the policy for further discussion.
- **Board Action:**
Granados/Valley—adopt the final policy as written. ROLL CALL: Clark, Granados, Valley, AYE. Directors Goold, Jones Kelly, Lawson, NO. Directors Engellenner, Trujillo, absent. Motion died for lack of a majority vote.
- President Lawson moved the Nepotism Policy to the next Board meeting agenda.

PRESENTATION ITEM(S): None.

PRESIDENT’S REPORT—(Lawson)

- Conducted a two-day process last Friday and Saturday to interview 13 candidates for Chief Deputy to succeed Fire Chief Mette upon his retirement. Thanked the Board members who were present and Jack Clancy Associates for their work in processing the 52 applicants down to 13. Appreciated the individuals who participated in the selection.

FIRE CHIEF'S REPORT—(Fire Chief Mette)

- President Lawson, Larry Davis, Rusty Dupray, and he met with County Supervisor Roger Dickinson to discuss the old Station 111. His staff was directed to move ahead with the parking lot property split for the library project.
- Two other meetings were held with Supervisors Roberta MacGlashan and Don Nottoli regarding the Folsom Sphere of Influence (SOI).

- **OPERATIONS DIVISION REPORT –**

Report by Deputy Chief Geoff Miller:

Fire Incidents –

- 8 working structure fires and 44 vegetation fires since the last Board meeting.
- Fatal fire in B7 on August 14. Surrounding apartments heard the smoke alarm some period of time before calling 9-1-1. Public Service Announcement to call 9-1-1 as soon as you hear a smoke alarm.

Deployments –

- All Strike Team engines are back along with the numerous Overhead personnel. This afternoon one person was sent in an Overhead assignment to a fire in Southern California.

EMS –

- 2,110 medical aid calls with 1,209 transports.

Good Deeds –

- Engine and Haz Mat 109A responded to a medical aid auto accident involving a pizza delivery man who was transported. The crews took the call to the next level by delivering the pizza.

Station Closures –

- President Lawson inquired about calls in the area of the immediate closures. He requested a full report on what is happening in the Station 33 area.

Deputy Chief Miller stated none of any consequence occurred, including no red flag conditions.

GENERAL COUNSEL'S REPORT—(Joe Chavez)

- The District and the County reached an agreement on a purchase price of \$480,000 for the sale of former Fire Station 110 located at 1616 Mission Avenue. This matter was scheduled on the County Board of Supervisors July 28 agenda to ratify the purchase on behalf of the Mission Oaks Recreation and Parks District, a dependent District, but the County requirement for a public hearing was not held. Anticipate the purchase to occur in the fall timeframe after the scheduled public hearing on September 15.

FIREFIGHTERS LOCAL 522 REPORT

- Pat Monahan, Vice President of Local 522, stated the leadership provided by the Board has been continuously strong. Regrets the layoffs but glad to see this administration, Fire Chief Mette, and this Governing Body is still supportive of those people who lost their jobs. The contract was amended to allow a total of five years for reinstatement and may prove to be very beneficial. He thanked the Board for that direction.

President Lawson stated it came to his attention that an e-mail exists about a conversation he had in a station last Sunday. He requested a copy and stated he would be available to meet with the person who sent it. The Board is trying very hard during these difficult times to continue to watch the budget and does not like to lay off people. Locals 522 and 150 have gone the extra mile but when you have rank and file members who are trying to sabotage everything this board has been doing in favor of the rank and file people, he has a personal issue against the person.

Captain Monahan expressed the Union's utmost respect for this Governing Body. They represent over 500 people and this action was a highly inappropriate attack taking advantage of a situation. The issue will be addressed with those involved and asked President Lawson to have confidence in the Union's ability to work with its membership.

BATTALION CHIEFS LOCAL 150 REPORT

- Battalion Chief Brian Rice reported that the Union had a final meet and confer session over contract concessions which were accepted with close to a 100% vote. The membership understands that each and everyone is shouldering this financial burden. It is not over and he fully expects to be back at the table at some point in the future. It is a good agreement and thanked Fire Chief Mette and the bargaining team.

COMMITTEE AND DELEGATE REPORTS:**Executive Committee—(Lawson)**

- Next Meeting: TBD

Communications Center Delegate—(Valley)

- Next Meeting: September 29, 2009 – 10:30 AM

California Fire & Rescue Training Authority—(Kelly)

- Next Meeting: September 2, 2009 – 10:00 AM

Finance Committee—(Granados)

- Next Meeting: September 10, 2009 – 5:00 PM

Policy Committee—(Valley)

- At today's meeting, the Travel and Conference Expenses Policy was moved to the full Board.
- Next Meeting: September 24, 2009 – 5:00 PM

BOARD MEMBER QUESTIONS AND COMMENTS:**Valley:**

- He had a TIA at a meeting last Saturday and thanked BC Kyle Johnson who stayed at the hospital with him and the firefighters who took his pickup home.

Jones:

- Appreciation extended to the Board for continued open discussion on issues.
- Appreciated every individual who spoke at the podium tonight. There is no way to alleviate the suffering when someone is laid off.
- Looking at an additional \$8-\$10 million depending upon the outcome of the State budgetary conditions. Will continue to work as fairly as possible to reach decisions in the best interest of public safety.

Kelly:

- Thanked the firefighters who helped cook for some children in a Del Paso Heights program at Discovery Park. Personal thanks to Chuck Ingram and Pat Monahan for participating.
- He is sensitive to layoffs but felt the District managed it very well in terms of doing it at the last possible point in time.

Goold:

- Apologized to the candidates for the Chief Deputy position. An unexpected health emergency took him out of the mix and he was unable to be here.
- Debate on issues is held at the Board level and not in Committee where things are developed and his discussion was not intended to offend any of his colleagues.

Clark:

- The stories of layoffs are heartbreaking. This Board has really worked with labor in every way to try and alleviate this situation. Hopefully things will get better.
- Thanked Daniel Connolly for his act of kindness. We need to have more of those types of acts.

Lawson:

- Thanked the members who participated in the selection process and encouraged attendance this Saturday for the final selection. There were 13 candidates and he asked each of them a question on the value of the helicopter program. Not one candidate had a negative statement and they were highly supportive.
- On behalf of Director Trujillo, he thanked the firefighters and staff for all they do in the community because they are the best.
- We are going to continue to have challenges in our budget and we are asking our constituents to exercise caution in their personal lives because we have maxed out resources.
- Thanked the firefighters and staff for adjusting their contracts.
- Thanked everyone for staying this evening.

RECESS TO CLOSED SESSION at 6:15 PM

[Taken Out of Order]

RECONVENE TO OPEN SESSION 6:48 PM

Report by General Counsel Chavez:

CLOSED SESSION GOVERNMENT CODES:

1. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION – (Salazar)**
Pursuant to California Government Code Section 54956.9(a) – Three (3) Cases
 - A. Teresa Means-Ferguson vs. Sacramento Metropolitan Fire District
Sacramento County Superior Court Case No. 07-AS02810
 - B. Irene Yslas vs. Sacramento Metropolitan Fire District
Sacramento County Superior Court Case No. 07-AS02789
 - C. Mark Thomsen vs. Sacramento Metropolitan Fire District
Sacramento County Superior Court Case No. 34-2008-00004079

The Board was briefed on the status of the three pending cases and took no action.

[Director Granados departed]

BREAK 8:05 PM; RECESS TO CLOSED SESSION 8:15 PM

RECONVENE TO OPEN SESSION 9:00 PM

2. PERSONNEL MATTERS

**Pursuant to California Government Code Section 54957
Fire Chief Selection Process**

The Board by a unanimous vote of the members present (Directors Engellenner, Granados and Trujillo, absent) ratified the Board's Working Committee selection of the finalists for the position of Fire Chief Mette upon his retirement.

3. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b): One (1) Case

**A. Claim Against Public Entity Pursuant to Government Code Section 910
AT&T Claims Center vs Sacramento Metropolitan Fire District**

The Board by a unanimous vote of the members present (Directors Engellenner, Granados and Trujillo, absent) denied the application for leave to present a late claim.

4. CONFERENCE WITH LEGAL COUNSEL–EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(a) – One (1) Case

**A. George Appel
Claim #910052**

The Board by a unanimous vote of the members present (Directors Engellenner, Granados and Trujillo, absent) gave the District's Workers' Compensation Administrator settlement authority in this matter.

5. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to California Government Code Section 54957.6

**A. District Negotiator: Fire Chief Don Mette
Employee Organization: Sacramento Area Fire Fighters Local 522**

**B. District Negotiator: Fire Chief Don Mette
Employee Organization: Administrative Support Personnel (ASP)/
Affiliate of Sacramento Area Firefighters Local 522**

- C. District Negotiator: Fire Chief Don Mette
Employee Organization: Battalion Chiefs Organization/Teamsters Local 150
- D. District Negotiator: Fire Chief Don Mette
Employee Organization: Non-Safety Senior Management, Management and
Unrepresented Confidential Employees
- E. District Negotiator: Fire Chief Don Mette
Employee Organization: Safety Senior Management, Management and
Unrepresented Confidential Employees

As to all five groups, the Board was briefed on the current status of labor negotiations. No action was taken.

ADJOURNMENT – The meeting was adjourned at 9:40 p.m.

Thomas J. Lawson, President

D'Elman Clark, Secretary

Charlotte Tilson, Clerk of the Board